

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 25, 2013**

PRESENT: Peter F. Murphy, Chairman, Springfield District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Ellen J. Hurley, Braddock District
Jay P. Donahue, Dranesville District
James T. Migliaccio, Lee District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
Janyce Hedetniemi, Commissioner At-Large
James R. Hart, Commissioner At-Large
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Earl L. Flanagan, Mount Vernon District

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The meeting was called to order at 8:18 p.m. by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Chairman Murphy announced that Bette R. Crane, Paralegal, Office of the County Attorney, would be retiring from the Fairfax County 24 years of service. On behalf of the Planning Commission, he commended her for her service and wished her well.

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Commissioner Lawrence announced that the Planning Commission's Policy and Procedures Committee would meet on Wednesday, October 2, 2013, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center to continue discussion on the evaluation for Fairfax Forward for presentation to the Planning Commission.

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Commissioner Litzenberger announced that the Commission's Housing Committee had met this evening and had finalized its recommendation for the Planning Commission, a draft of which would be disseminated to Commissioners at the Commission meeting scheduled for Thursday, October 3, 2013. He added that the Committee would meet again on Thursday, November 21, 2013, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center.

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Chairman Murphy introduced Commissioner Sargeant to begin the first of two workshops on the Zoning Ordinance Amendment (Residential Studios), which was a question and answer session among the Commissioners. As such, it has been fully transcribed below.

ZONING ORDINANCE AMENDMENT (RESIDENTIAL STUDIOS)

– The first of two public workshops will be held to evaluate the proposed amendment with particular emphasis on ensuring that the regulations will maximize the compatibility and harmony of the use within each zoning district. At this workshop, County staff will provide detailed information about the proposed Amendment to the Planning Commission and citizens will have the opportunity to submit questions, which staff will research and respond to at the next workshop session, which will be held on October 2, 2013. COUNTYWIDE. WORKSHOP.

CHAIRMAN MURPHY: The Board has authorized a public hearing on the Zoning Ordinance Amendment dealing with residential studio units, which have been called RSUs, RSOs, and other things. We're just going to call them residential studio units. It will first come to the Planning Commission, and in order to do that, Mr. Sargeant, Commissioner-At-Large, has the task of shepherding this Zoning Ordinance through the process, and I'd like to recognize him now. Tim.

COMMISSIONER SARGEANT: Thank you, Mr. Chairman. Good evening, everyone. I'd like to thank Donna Pesto in particular and Jill Cooper for their work in arranging this particular meeting tonight, as well as the next workshop session coming up, and the subsequent meetings that we will be talking about very shortly. This, needless to say, is a complex Zoning Ordinance Amendment and, in some cases, a very challenging one. And we have heard from citizens from across the County that they would like additional time. We have heard some of their concerns. We have heard some of their advocacy. We would like to make sure that we hear from everyone and make sure that we have a very thorough consideration and deliberation of this proposed Zoning Ordinance Amendment for residential studio units. With that, I'm pleased to say that we have the support of the Board of Supervisors to extend this process beyond the two scheduled work sessions. And as you may or may not know, the Board of Supervisors voted to endorse the Planning Commission plan to establish a Residential Studio Unit Committee, a Planning Commission committee focusing on the residential studio unit Zoning Ordinance Amendment. What we are looking at currently is the formation of that committee within the next Planning Commission session - regular session schedule - as well as a set of meetings right now scheduled tentatively for the following dates. We have five meetings tentatively scheduled for the following dates. And do stay tuned to your, you know, your Planning Commission site and the government

will keep you posted on whether there are any changes. Tentatively, the first Planning Commission Residential Studios Committee meeting would be on Monday, October 28th. The next would be Wednesday, November 20th. The third meeting would be Monday, December 9th. The fourth meeting would be Monday, January 6th. And the fifth committee meeting would be Wednesday, January 22nd. Now, these are tentative dates, but we're working to make sure that those are the dates that we can use most efficiently for our committee meetings. So this means we are intending to defer the Planning Commission's November 20th public hearing. And we are working toward - and I say working toward - a public hearing date in late February of 2014. So that is our - that is our tentative schedule right now for the Planning Commission's Residential Studio Unit Committee. So we heard you when we - when people said we need more time. And I appreciate the support of the Board and of the Planning Commission office, and staff, especially Donna Pesto, whose evenings have now been booked between now and next year. We also heard you when you talked about the need for additional communication and we are working very diligently on that as well. In fact, these meetings will be televised. The work sessions will be televised; both tonight and on October 2nd. In addition, we have established a County web link for information related to this process and this particular Zoning Ordinance Amendment. Now, this will be available by - online by mail and other sources, so you don't have to worry if you miss what I say it is, but for the record it will be www.fairfaxcounty.gov/planning/rsu/rsu.htm. And that will be the site where we'll post meeting minutes, information related to this process, other appropriate information as we move forward. And indeed, we will also hope to promote - post summaries of the questions that we will be gathering as we move forward. Now, some of those will be summaries because I know we have already received duplications of some questions. So we will do our best to provide summaries. And I'm counting on those of you who are here and those of you who may be watching at home and watching later to tell us if we've overlooked one, because we'll be asking for more opportunities for questions. In fact, we have received numerous questions by email already, which is greatly appreciated. And we'll have more opportunities tonight to submit written questions for the Planning Commission and for the staff to review and research. Why not just react to them tonight? Because quite simply, it would be a reaction. We want to make sure we have an opportunity at this session and through this process to review these questions, to review answers, and provide the most informed responses that we can during this process. This will serve as the foundation in

many ways - this and the next work session - for our committee meetings to come up. So with tonight's format we're going to have a detailed presentation, all the data that's available from Donna Pesto, and then we're going to have questions from the Planning Commissioners themselves. Obviously, these will all be posted as well. We will also provide opportunities for members of the audience to submit written questions that we will then review internally, thoroughly. This gives you an opportunity for more than one staff department to review these questions as well and then provide the responses to those questions at the October 2nd work session. Those will be posted as well. So with that, let's go ahead and start with our presentation from Donna Pesto with County Staff. Donna.

DONNA PESTO, ZONING EVALUATION DIVISION (ZED), DEPARTMENT OF PLANNING AND ZONING (DPZ): Thank you very much. I am Donna Pesto with the Fairfax County Department of Planning and Zoning.

COMMISSIONER SARGEANT: Excuse me. Donna, excuse me. I need to refer back to Pete for a second.

CHAIRMAN MURPHY: Just a - yes, thank you, Tim. Before each member of the Commission, this evening, there is a form, *Residential Studios Committee Interest* form. I would like you, please, this evening to put your name on that form and, if you would like to serve on our committee, please indicate by saying whether you would like to be a regular member or an alternate member or you do not wish - on the committee. The goal is we want a committee of five, which is a good working number to have. So, if you're interested, please check yes; if you're not, please check no; if you check yes, whether you'd like to be a full member or an alternate member. But just to explain to everybody, when we do constitute - and we will constitute this committee at our meeting on Wednesday of next week, just before we go into the second workshop. And just to explain the procedure, once we constitute a committee, there will be committee meetings, as Mr. Sargeant alluded to. Any recommendations the committee will make comes first to the full Planning Commission for a vote and then on to the Board of Supervisors. The committee does not act independently. It acts as part of the Planning Commission process and makes recommendations to the full Commission. Okay, so if you would fill out those forms and turn them in to Jill before the evening is over, we'll take a look. Mr. de la Fe, who is our Vice-Chairman, will assist me in sorting out who is going to serve as

full time member, if we have more than five, because we're only going to keep it at five. And we'll do that next Wednesday. Thank you very much. Okay.

COMMISSIONER SARGEANT: Thank you, Mr. Chairman. So we'll start now with Donna Pesto's presentation.

MS. PESTO: Thank you very much. Tonight, the Department of Planning and Zoning does want to present to the Planning Commission formally the proposed Zoning Ordinance Amendment for Residential Studios. I'll be giving you information about - can we do the PowerPoint? Thank you.

CHAIRMAN MURPHY: It works.

MS. PESTO: It works. That's awesome.

CHAIRMAN MURPHY: There we go.

MS. PESTO: Next slide. Tonight we'll be giving you information about why we're proposing the residential studio use, as we believe that's essential in understanding all of the initiatives and the directives that have led us to this point. I'll explain what the residential studios are and how that use fits into our Zoning Ordinance and, lastly, I'll tell you what standards will be used to guide staff, the Planning Commission, and the Board in their evaluation of a specific land use application for residential studios. Before we get to the specifics of a residential studio, I wanted to identify a term that's frequently used when we're talking about housing affordability.

Oftentimes, affordability is - is pegged to a population that earns a certain percentage of the area median income, or AMI, as it's referred to. Essentially, AMI is the median household income for a family of four living in a specific geographic region. And it's determined at least annually by Housing and Urban Development, HUD, and for the area that includes Fairfax County, the 2013 AMI for a family of four is \$107,300. That is more than double the national average of about \$52,000. So in terms of our residential studio use, the housing affordability level that we're looking at for the majority of these units is 60 percent. For a family of one - a single-person household - that annual income is \$45,066. That's three minimum wage jobs. As I mentioned, in order to understand the intent of the proposal for residential studios, we need to understand all of the directives that brought us here. And there are many. Beginning in 2003, the Board of Supervisors established the Single Room Occupancy, or SRO, Task Force to look at ways to provide permanent housing for people who are coming out of homelessness. Typically this population has an income that falls well below what's classified by HUD as extremely low

income, which is 30 percent of AMI. The Task Force recommended an amendment to the Zoning Ordinance enabling the development of the SRO Housing Model and to streamline the process to reduce obstacles and expedite plan review and permitting. In 2005, the Board endorsed their findings and they added the SRO Amendment to the Zoning Ordinance Work Program for 2006, and it has been on the Work Program ever since. Next, in 2006, the County commissioned a report by the Center for Regional Analysis of George Mason University's School of Public Policy to consider the need for housing in light of projected job growth over the coming 20 years. The report indicated that by 2025, Fairfax County will have experienced job growth of about 29 percent. And the report forecasted the need for 16,000 new rental housing units for households earning less than 50 percent of AMI. They also forecasted another 9,000 new rental units for households earning between 50 and 80 percent of AMI. The Zoning Ordinance currently does not provide for an affordable housing product that could realistically achieve the forecasted 16,000 new units at the 50 percent AMI level. In 2007, the Board of Supervisors adopted the Workforce Dwelling Unit, or WDU, Program on a countywide basis. That policy calls for affordable housing to be provided in three tiers of income: 80, 100, and 120. The high rise affordability panel, who developed this proposal at the Board's direction, they also forwarded a recommendation to direct staff to continue working on ways to address housing affordability for households who earned less than - in the less than 60 percent category. And the Board did endorse that recommendation as part of their adoption of the WDU Program. Then the Board endorsed the Blueprint for Success, which was a collaborative effort between the County and the Cities of Falls Church and Fairfax, to develop a plan to end homelessness. In 2008, the Board adopted their implementation plan and then created the new Office to Prevent and End Homelessness with the express intent of ending homelessness by 2018. One of the primary initiatives of the plan calls for utilization of the Housing First model, which makes available first permanent housing to people coming out of homelessness, and then layers on the appropriate services that they need. That's in contrast to other methodologies that would provide temporary housing or administer services in the field to homeless individuals. The lack of affordable housing was cited in this report as the primary obstacle to the implementation of the plan. In terms of numbers the report indicated the need for approximately 1,100 housing units for individuals and 550 for families experiencing homelessness. In 2010, the Board of Supervisors revisited the Workforce Dwelling Unit Program in context of the Tysons Corner Redevelopment

plans and all of the replanning that went along with that. With the significant increases in density that were going to be afforded in Tysons Corner the Board adopted a special workforce dwelling unit program for that area that included the income tiers of 60 and 70, in addition to the 80, 100, and 120, that exist on a countywide basis. Again, with the adoption of this policy, the Board directed staff to continue working on a housing product that could address households at the zero-to-sixty on a countywide basis. So, also in 2010 the Board endorsed the final reports of the 50+ Action Plan that was generated by the Board of Supervisors' 50+ Committee. That analysis indicates substantial increases in those populations over the age of 50 by 2020. The 50+ Plan recommends initiatives that would increase affordable housing options for that population. And they include promoting the needs of older adults and direct care workers when addressing the overall affordable housing need, expanding the development of assisted living, incorporating universal design in new housing, and implementing all of the housing options identified in the Board's Zoning Ordinance Work Program, which at the time did include the development of the studio apartment housing products. In 2011, the Board endorsed the Fairfax-Falls Church Community Service Board Forging a Path Home Report. The CSB provides programs and services to assist individuals with intellectual disabilities, mental illness, and substance use disorders. The lack of safe, decent, and affordable places to live is cited in the report as a major impediment for this population. The report found that nearly 1,600 adults in the CSB system needed permanent housing in the community and, of those individuals, 89 are stated to be able to live independently in an apartment. And as such, the report recommended changes in the local policies that would stimulate the production of units for this population with very low income. Lastly, just last year the Board adopted an amendment to our existing independent living facility use to create a lower income subset where the majority of the units would be for households for not more than 50 percent of AMI. Occupancy of independent living are limited to only those persons who are 62 years of age or older or to those people who meet the Fair Housing Act's definition of handicapped. So because of these additional limits the housing product can help provide housing for only those subsets of the overall population in need of housing. So in addition to all of these initiatives and directives, it's probably safe to say that everybody knows someone who might benefit from having smaller and lower-priced rental units in Fairfax. It could be your son or daughter who's just starting out, an employee who works with you or for you, someone who's forced into a roommate situation because they can't afford to live alone,

someone who pays far greater rent than the 30 percent that's recommended - 30 percent of your income for housing - because all they can find are larger and more expensive units. So all of these initiatives and directives have - have helped shape the residential studio proposal that you - you have before you. In terms of what residential studios are, the development must be in multiple family building or buildings, and have not less than 3 or more than 75 units on any lot. All of the units have to have their own bedroom [sic] and bathroom - I'm sorry - have to have their own kitchen and bathroom. And they all have to be efficiencies, meaning they do not have a bedroom. They have a common room that's living/dining/sleeping. They're limited in size to 500 square feet at maximum and they are for rental occupancy only. At least 80 percent of the units in our proposal have to be rented to people who earn no more than 60 percent of the AMI. So if this - - this is really only an income-based product. There are no other qualifications like age or handicap status, or anything else. It is simply an income-based housing product from zero to sixty. In terms of what zoning districts could potentially allow residential studios, I cannot stress enough that this use is only allowed with specific approval of the Board. The conventional residential, commercial, and industrial districts - residential studios would always require a Special Exception. In the Planned Development Districts, the use could be approved as part of development plan with a rezoning or it could be added to land already zoned by Special Exception and both processes would require Board approval. In terms of the zoning districts, the Amendment proposes to allow residential studios in the R-E through R-30 Residential Districts, C-1 through C-9 Commercial Districts, and I-1 through I-6 Industrial Districts, and also all of the Planned Development Districts. We're proposing these districts in some cases because the Zoning Ordinance already allows residential uses there - similar residential uses - and in other cases we wanted to facilitate the siting of affordable housing near employment opportunities. So it's a very broad spectrum of districts, each having their own primary purposes and characters, and each allowing an assortment of uses. As a result, the Ordinance Amendment includes additional standards to recognize that not every lot in every district is going to be appropriate for residential studio development. The additional standards are really the most important part of the Amendment. The application must demonstrate to the Board's satisfaction that the proposal not only meets the general standards for all Special Exception uses, which are listed in Section 9-006 of the Zoning Ordinance, but they also have to meet all of the additional standards that we are proposing here. The standards are specifically designed to address the fact that residential studios

are a Special Exception use. They are not a by-right permitted use. To that end, I do want to go through the standards that we are proposing, and I note that they are all applicable in all cases. So in between each one there's an "and," not an "or." So first, as I mentioned before, the units are efficiencies, with their own kitchen and bathroom, and the maximum size is 500 square feet. We believe that a more natural affordability can come with having smaller units on the market. We were able to find through internet search that there are efficiencies on the market today that hovered around that 500 point, but we also found plenty that were as much as 200 square feet larger than that. So there are some out there and some are quite - quite big. The standards also provide that residential studios are a use that's regulated by a maximum unit count; 75. They wouldn't be limited by the FAR or the dwelling units per acre of the underlying zoning district. Also if they're on a lot that's developed in conjunction with multifamily or some nonresidential use they wouldn't count against the FAR or the dwelling units per acre for those other uses. With regard to the 75-unit maximum the Board can limit that number to any number between 3 and 75. It can never go below 3 and it can never go above 75. The Board can use the FAR that's specified in whatever zoning district this is, if they want to limit the size of the building to that bulk, or they can find any other appropriate reason to reduce the number below - below 75. The additional standards also require a residential studio to be on a lot that fronts on and has direct access to a collector street or major thoroughfare. And for people who are looking for what that means, you have to first look up street in the Zoning Ordinance, and then comma these other uses; collector, major thoroughfare, minor arterial... all of those. So you'll find those in the Ordinance. But essentially, those classifications describe streets that provide principal internal movements in residential subdivisions and those that serve as primary circulation between neighborhoods and between different geographic areas. They also generally serve as routes for local as well as inner city bus transportation. The application has to address the transportation needs of the intended occupants. If the tenants will be a population that does not drive, the applicant will be required to identify how routine transportation needs will be addressed, whether they're locating on bus routes or transit routes, or if they're going to be providing adequate private, you know, car/bus/van services for - for their tenants. The residential studio building can also include any of the typical accessory uses that we see in apartment buildings; common laundry facilities, they can include that if the individual units don't have washers and dryers. The building can have meeting or office space for any sort of visiting service provider. Sometimes

there's a front desk for a manager, an office for a manager, or a control point for access in and out. All of those things are allowed as part of this use. They just have to be shown on the application and specifically approved and they have to show that they're just for the use of the - of the tenants in the building. So probably the most important standard by which the studios will be evaluated is compatibility. The development has to be compatible with uses on the site and with uses around the site, in addition to being compatible with the recommendations of the Comprehensive Plan. There's an infinite number of factors that can be considered when evaluating a proposal for compatibility, or harmony, or being in context with nearby properties. Our proposal includes a few "such as" examples in the Amendment, but it is absolutely not limited to just these factors. And to go through a few of them:

- The character of the neighborhood
- What are the other uses?
- What do the buildings look like?
- How would residential studios impact that character?
- The building size and height: It would compare the size of the proposed studio development with the size and height of other buildings that are in the area.
- The uses of nearby and neighboring properties: Is it appropriate to have a multifamily building here? And, for example, residential studios are allowed in industrial districts; some of those areas are developed with very nice office parks and some of them are developed with very heavy industrial uses with very heavy truck traffic. It would be very hard to argue that the latter is compatible with any kind of multifamily use.
- The intensity of the development and the proximity to other multifamily uses: Again it's gauging the proposal's impact, not only in terms of the visual impact of it, but also impacts on traffic and noise and services and any other factor.

As I mentioned, the application has to consider the Comprehensive Plan recommendations for use and intensity. So for long-range planning purposes the Plan identifies areas of the County in terms of anticipated uses and development intensities. The application would need to demonstrate that the proposal furthers the recommendation of the Plan. The Board can also consider the availability of pedestrian access to link tenants to transportation, shopping, services, and other uses, and they have to demonstrate that the routes for pedestrian movement are appropriate for the tenants. And the last item we have enumerated there is the vehicle trip

generation rates. This is essentially the number of trips in and trips and trips out on the site over a specific period of time. So basically the trip generation rates would be used in evaluating the impact on the area roadways. The rate can be used to determine if the area roadways can accommodate an increase in daily trips that would be generated by the residential studio development. More of the proposed standards outside of compatibility, we have a requirement that any building conversion has to meet the Building Code requirements for a multifamily building. So whether the building started life as a house or a warehouse, the end result has to be a Building Code compliant multiple family building. With that said, at the request of the Board, the Amendment does include an option to prevent any conversion of a single family dwelling into residential studios. And this was intended to dissuade any owner who might mistakenly believe that they can create additional rental units in their home by way of this use. The residential studios must be served by public water and sewer and those areas on private wells and septic systems will not be eligible. The use has to comply with setback requirements, open space, and building height requirements of the underlying zoning district. When it's deemed appropriate, the Board can impose stricter requirements when evaluating a specific application. With regard to home occupations, the Ordinance currently allows a number of home based businesses and some of those can have an employee for a limited number of hours. And some of those also allow customers or clients to come to the property for things like music lessons and day care services and tutoring and that sort of use. But because of the size of the studios and the limited parking we're proposing, staff doesn't believe it's appropriate to have those kinds of home based businesses. But it would not preclude other ones that don't have that - that demand. The Amendment also proposes an initial lease term of six months, which is intended to dissuade transient occupancy. These units are meant as permanent housing and they are not for temporary or short-term occupancy. There has to be laundry facilities onsite. They can be provided in the units, but if not they have to be provided onsite. There's a requirement for income verification of the tenants when they initially sign their lease and with each lease renewal. The verification is conducted by the owner or manager, and it's provided to the County on an annual basis or on an as-requested basis. We can request that if we're, you know, investigating a complaint. There's a requirement for a resident manager, a 24-hour onsite manager, or an approved offsite manager for the residential development. And before the units can be occupied, the owner has to record a notice in the land records that identify the income and price limits, the perpetuity of these

controls and any relevant conditions that the Board imposes. So the last thing is the parking. We are proposing a rate of one parking space per unit and then additional spaces as would be required for any accessory uses that they're proposing, like visiting service provider or some onsite employee. If an applicant can demonstrate that their tenants do not drive and the site can be adequately served by some reduced number of parking spaces, the Board could approve a different rate based on a specific request. So the Planning Commission's developed a website specifically for residential studios and we'll be adding relevant information online there. And we've also noted that questions and recommendations can be sent to their collective email addresses which, if you didn't get it before, we've got it up on the screen and we can leave it there so people can copy those down. And there you have it. Those are our residential studios and I will be happy to answer any questions.

CHAIRMAN MURPHY: Mr. Sargeant.

COMMISSIONER SARGEANT: Thank you, Mr. Chairman. And Donna, the first 45 slides were truly the most important.

MS. PESTO: That's the longest presentation I've ever done.

COMMISSIONER SARGEANT: Thank you. Just a few questions, and I know a lot of questions are waiting. So let me start briefly with the evolution of the original initiative to what we have today. Obviously, the original focus was - was far narrower than what it is. Is that not correct?

MS. PESTO: That's correct.

COMMISSIONER SARGEANT: And what were - your specific intention at that time or with those original initiatives was to focus on homelessness. Correct?

MS. PESTO: Correct. It was - it was just the - what's called the SRO Model, Single Room Occupancy Model, and it was specifically for a population coming out of homelessness.

COMMISSIONER SARGEANT: Okay. Who might benefit - we've - you talked a little bit about this, but give an idea - and I know you've had some discussions with various agencies, organizations - just to give a flavor of the kind of - of tenant or resident who might occupy this unit based on income.

MS. PESTO: In terms of income population, I mentioned that the \$45,000, that's three full-time minimum-wage jobs; that's a lot of working for that - that amount of money; so anybody who's in service industries. We met yesterday with the folks from the School Board office. They were thrilled with this because of a lot of their bus drivers and entry-level teachers and other staff

onsite - they can qualify for this use. I would suspect that there are loads of jobs in hospital settings and other kinds of service settings that would have employees who would meet this test. And that's in addition to all the groups that have provided some of the directives from the Board. We do have the SRO Task Force that's concerned about homelessness in addition to the Office to Prevent and End Homelessness. They're the community services board that's dealing with this special population that has had difficulty finding affordable housing, so there are any number of reasons why somebody may have that income. And we didn't want to limit it to just a small segment of a group that all has the same income concerns and the ability to pay the rents that are commanded in Fairfax.

COMMISSIONER SARGEANT: But if, for - and I'm only using the school system as an example, not as a focus, but if you wanted to provide an opportunity for - for the entry-level teacher or group of teachers, would that be - would you be able to focus on that group without violating Fair Housing standards?

MS. PESTO: I don't think you can do it on an exclusionary basis. Certainly, you can target your marketing. You know, when people know something's available and if it's been marketed to them first, they'll get first dibs. So there is an opportunity to target marketing to certain groups, but I don't know that they can make it exclusionary. I don't think they can discount somebody else because they didn't have a certain job.

COMMISSIONER SARGEANT: Income verification, and you went into detail about that: if - - and I can see where that works for a larger multifamily type of unit, the 75 range, the 60, whatever. But what if your - what if you may have fewer than that? What if you may have ten that might be placed in a multifamily unit or in a high density residence?

MS. PESTO: It's still required. It's required for every tenant at every lease signing. They have to provide documentable evidence of their income at the time that they're signing the lease. And it needs to be determined to be income qualified.

COMMISSIONER SARGEANT: One of the issues we've heard in many meetings, and you've been to more across the County than I have, is the issue of conversion of single family homes. And we have an option within this particular amendment that would exclude that. Correct?

MS. PESTO: Correct.

COMMISSIONER SARGEANT: And does that cause problems because it's advertised within all different residential zoning categories, but we can still, if appropriate, determine that certain - such conversion is not - is not possible.

MS. PESTO: You can definitely exclude the conversion of a building that was a house into a building that's multifamily. You can definitely do that across the board.

COMMISSIONER SARGEANT: Okay. Thank you, Mr. Chairman.

CHAIRMAN MURPHY: All right. Without objection, let's just start with Mr. Donahue and work our way around. If you have no questions, pass, and we'll get back to you. Mr. Donahue.

COMMISSIONER DONAHUE: Thank you, Mr. Chairman. Just one that popped up in my mind as we were going through the presentation. Under Standards, you indicated -- well, I wasn't sure what you indicated because there was a statement, "resident manager or approved offsite manager." Could you go a little more into detail and also let me know when you would want to have a resident manager versus when you'd want to have the offsite manager?

MS. PESTO: We at the County wouldn't dictate what the management scheme is for a multifamily product. We don't do it now for the multifamilies that exist today, so we wouldn't do it. But what we want to make sure of is that there is an appropriate oversight of management of these buildings. You can have a resident manager which, oftentimes you get sort of free or discounted rent, and if you're taking care of the people in the building. Other places have employees and they come on a, you know, 8-hour shift or 12-hour shift and they are the manager of the building and sit at a front desk. But in other cases there may be a way to adequately manage it. It depends on who's building the units and who's going to manage it. If there's an overall management company that manages some sort of scattered site - small or 10-unit buildings, or whatever - they may have a more central office and they do it from an offsite location. We want to know about that and how it works to make sure it works at the time of the application. So either if they're onsite 24 hours a day, whether it's a resident manager or an employee, they can state that in their application, and that's what would be approved. But if they did want to do something offsite, we would want to evaluate what that is and have the Board specifically approve it.

COMMISSIONER DONAHUE: And in part, at least, it was the size factor I actually had in mind. So the size of a particular facility might have some impact on whether we would want to see a resident manager or an offsite manager.

MS. PESTO: Absolutely. The Board can require a resident manager if they wanted to make a condition for that, if they think that that's the way to appropriately manage whatever the proposal is.

COMMISSIONER DONAHUE: And is there any parallelism or guidance coming from other - I think I use the term properly - congregate living situations?

MS. PESTO: I'm sorry.

COMMISSIONER DONAHUE: Is there any parallelism or advice/guidance coming from other congregate living situations? Do we deal with that at all in congregate living?

MS. PESTO: We - we don't. We don't typically get into the - the management of privately run, you know, multifamily buildings. But this is a special case and as such, we think we - there are some times that we would need to know how it's going to be run. This is a population that's on limited income. They're not going to call their own plumber, you know, and fix something in the middle of the night. We wanted to make sure that there is adequate oversight for - for the people living there, that the buildings run smoothly and that things are taken care of.

COMMISSIONER DONAHUE: Okay.

MS. PESTO: So we don't - we don't look at it for other multifamily uses right now.

COMMISSIONER DONAHUE: Thank you, Mr. Chairman.

CHAIRMAN MURPHY: Ms. Hedetniemi.

COMMISSIONER HEDETNIEMI: Thank you, Mr. Chairman. One of the concerns I would like to address with you all is if we have collector streets and that's a requirement, why then are we also requiring one parking place per resident per unit?

MS. PESTO: The parking rate - we actually are using the parking rate that was approved for much of the housing in Tysons Corner. As urbanization occurs, hopefully car usership will go down, so we are using one, because we seem to be an area that is permanently attached to vehicles, and parking is a huge issue in areas. We didn't want to go lower than that. There are also a lot of collector areas that don't actually have bus service running, you know, right close enough by, so there may be car ownership in these units.

COMMISSIONER HEDETNIEMI: I also would like to ask about the question of, in all the requirements we don't say anything about accessibility to retail; grocery stores, cleaners, drug stores. Is that something that has been thought about?

MS. PESTO: We did. In the pedestrian access standard, we do talk about - want to get to it - that is one of the considerations, is the transportation and shopping opportunities. The Board can consider all of that when they're looking at this. You know, the isolation is not - is not ideal and that is something that they can look at. Services, shopping, transportation, employment opportunities, all of those can be looked at, yes.

COMMISSIONER HEDETNIEMI: Okay. And finally, back to transportation again, have we thought about shuttle systems or shuttle services to provide a means by which the residents can get to places without having to have a car?

MS. PESTO: Right. And one of the conditions we have is that the applicant has to take into consideration the transportation needs. So if you have a population that does not drive, as we've seen with some of the independent living facilities, the applicant has offered that they're going to provide periodic car/van/bus, whatever it is, service to their - their tenants, and - or sometimes you get, you know, four hours a week or whatever it is. But they put that in their application to show that they are considering. Everybody has standard transportation needs. You have to be someplace else at some point. So they are putting that in the application. So that is definitely part of this as well. They have to show that they have considered the needs of their intended population.

COMMISSIONER HEDETNIEMI: I think that, given that answer and the nature of the population that we're going to serve, I'm still bothered by the one parking requirement - one - one parking unit per - one parking place per unit. And I'm wondering if that is something that is necessary.

MS. PESTO: It's definitely modifiable on a case-by-case basis, so if an applicant comes in with a certain population that they intend to serve and they can show that that population does not drive and that, you know, it's, you know, 40 units and, maybe they only need 10 visitor spaces, the Board can definitely approve fewer number of parking spaces for any application.

COMMISSIONER HEDETNIEMI: Thank you, Mr. Chairman.

CHAIRMAN MURPHY: Mr. Litzenberger.

COMMISSIONER LITZENBERGER: Thank you, Mr. Chairman. After looking over the briefing, it seems there's more of an economic incentive than a social services incentive which aims to help the workers at the lower end of the AMI scale. That said, I'm concerned that the only requirement for transportation is that they be on a bus line. I know the - the Housing

Authority co-sponsored a facility in Centreville called Madison Ridge that was two blocks from a bus line that, by the time the residents walked to the bus, took it to the Vienna Metro, and got to work, it was well over two hours. And most people aren't willing to spend that much time on public transportation. I think it's very important that you try to put this closer to a Metro stop rather than just a regular bus stop somewhere. Thank you, Mr. Chairman.

CHAIRMAN MURPHY: Mr. Lawrence, please.

COMMISSIONER LAWRENCE: Thank you, Mr. Chairman. He speaks. I have a few questions tonight that, there were many, many, very good and penetrating questions in the ones that have already been submitted, so I'll try not to - to duplicate any of those. In terms of the population that's going to occupy these things, they're all rental units. And I understood you to say that you had, in the course of your visits, you'd run across some people who were very pleased that people like entry-level teachers could - could occupy these units. Did I hear that correctly?

MS. PESTO: Correct.

COMMISSIONER LAWRENCE: And do we know how many such people there might be in Fairfax County?

MS. PESTO: I do not know. I do not know how many.

COMMISSIONER LAWRENCE: And in this same vein, if I may, do we know how many entry-level, for example, nurses, clinical technicians, fire fighters, other sorts of occupations that were very interested in housing, do we have any picture of how many such people there are?

MS. PESTO: We the County do, but I don't tonight. So I will definitely be able to get you that information. The County does have statistical data about jobs in different income tiers, so I can definitely get you that information.

COMMISSIONER LAWRENCE: I think that's going to be extremely important in evaluating these things on a case-by-case basis, depending on the location of the proposed residential studio units. And in line with that, if these things have more than one person - and I understand that they're required to do so - then it doesn't seem unreasonable that a couple of entry-level teachers would chip in on one of these things. That being the case, I'd like to go completely the opposite from Commissioner Hedetniemi and say that I think the parking requirement is too small. It's not always too small; it's too small as a function of who's going to live there. And I think we need more flexibility to be able to negotiate parking depending on who's going to live there. I also think we need some sort of acreage requirement for this thing in order to allow for that additional

parking in cases where it's necessary. If it isn't necessary, we won't necessarily need the land. There is one other thing, though, that we might need the land for, and it leads to this question: In looking at the standards, I didn't see a reference to pedestrian accessibility to open green space, parks, recreation, public facilities.

MS. PESTO: The pedestrian standard is general. It's pedestrian access for the residents. If to a park is what the Planning Commission and the Board want to consider, you can definitely do that. We do have an open space requirement that - onsite - that has to be consistent with whatever your underlying zoning district requirement is.

COMMISSIONER LAWRENCE: I understand that.

MS. PESTO: So that provision's in there, but in terms of pedestrian access to a park, it's not specifically noted but it is definitely part of what could be included in the compatibility.

COMMISSIONER LAWRENCE: Well, given the psychological needs of people and given how the open space requirement is now interpreted, I think such access is very important. A couple more questions. I understood from the paper that these things are approachable as rezonings, as SEs, and as amendments to a General Development Plan, or a Final Development Plan. Is that correct? Did I read that right?

MS. PESTO: Sort of. The - the idea is that in all of the conventional districts it's by Special Exception. So that's all the C's, all the I's, and all the R's.

COMMISSIONER LAWRENCE: Yes.

MS. PESTO: In the Planned Development Districts, an applicant can seek approval of this use as they're going through the rezoning process and get it approved in their rezoning and on their development plan. Absent that, they could amend that rezoning and development plan to put this use on there at - if the application's already been approved, they can do it in that way. Or if they can get a substantial conformance determination, they could do it by a Special Exception. That's the intent, and we may need to tighten the language. We have heard that. So we want all of these to be applications that are specifically approved by the Board. So it's either going to be rezoning or Special Exception. That's the intent.

COMMISSIONER LAWRENCE: Might I suggest that - that you do look at the language there -

MS. PESTO: Sure.

COMMISSIONER LAWRENCE: - and I think - yes, indeed, they need to be specifically approved by the Board. That's - that's - those are our elected officials, but I think also people

need to be comfortable with the thought that there's going to be a public process in which they can participate. I just think that's essential.

MS. PESTO: A two-part public process: Planning Commission and Board, and that's the intent.

COMMISSIONER LAWRENCE: Without a doubt. Let me see, I think I've covered everything I had. Oh, one other idea, and that is, you - you talked about many different ways to look at compatibility. I spent some time hunting around for compatibility once and it turned out what I found was it was compatibility of use more than anything else. But you did mention things like whether or not the thing was appropriate and whether it fits with the character of the neighborhood. Again, I think those are going to be absolutely essential on a case-by-case basis. And one aspect of that is the - the - offsetting the impact that comes from activity. It's not intensity as such. It's not how many square feet of construction per square feet of lot. It's what goes on there. And in the vicinity of RSUs, I would expect there'd be a lot more comings and goings and a lot higher level of activity. And if this borders on a residential - particularly a low R - neighborhood, then I think that needs to be, you know, rigorously looked at -

MS. PESTO: Absolutely.

COMMISSIONER LAWRENCE: - as part of the evaluation. Thank you, Mr. Chairman.

CHAIRMAN MURPHY: Thank you. Mr. de la Fe.

COMMISSIONER DE LA FE: I just have one question. I generally support this and I think it's about time we got to the point that we are actually considering doing something. However, I notice that there is a requirement that there be a kitchen and a bathroom.

MS. PESTO: Correct.

COMMISSIONER DE LA FE: Does the County have specifications as to what that means? Because I can think of - in a large closet like these are going to be - do you need a kitchen sink and a bathroom sink or -

MS. PESTO: Yes.

COMMISSIONER DE LA FE: - one sink for both purposes or -

MS. PESTO: No.

COMMISSIONER DE LA FE: - you know, do you have those kinds of details?

MS. PESTO: The Building Code has some requirements for what a kitchen has to be and a bathroom, I believe has to be three piece - toilet, sink, and some sort of, you know, shower or tub, but I can get you more specific information. But the idea is that it's a full kitchen and a full

bathroom. And I know there's specifications even on the size of kitchen cabinets and how much space you need out from the cabinetry that counts as part of the kitchen. So there's some definite guidance in the Building Code. But I will definitely get you more information about those specifics. Maybe we can get a drawing.

COMMISSIONER DE LA FE: Okay.

CHAIRMAN MURPHY: Thank you. Ms. Hall.

COMMISSIONER HALL: Thank you, Mr. Chairman. I was just looking over this Mason District Council questions that was submitted. And I have two questions. First, they identified 23 questions and I was wondering who will be responding to them and if you'd like my copy, I'll give it to you.

MS. PESTO: I do have that and, do you want to take this?

COMMISSIONER SARGEANT: Mr. Chairman, this is one of those cases where we definitely want a thorough review by the entire staff before a response. And questions that may or may not be appropriate, i.e., a little too much invective, we will obviously edit.

COMMISSIONER HALL: That's perfectly fine, as long as it's being addressed by someone other than myself, I'm good with it. The other concern that I have in reading this - and it's concern for the people who will be living in these units. Are we developing, kind of, a second-class group of renters? And by that I mean, typically - and I don't know what it takes to rent something because I've owned my home for a very long time - but one of the things they're asking about is proof of citizenship. The only thing I heard you mention was financially that they're within those percentages of the median - AMI.

MS. PESTO: AMI. AMI. Right.

COMMISSIONER HALL: I got it. Very good. That was the only criteria I saw, and I would assume that would be reasonable.

MS. PESTO: That is the only criteria. Yes.

COMMISSIONER HALL: Yes, I mean, they're talking here about a child sex offender registry and proof of citizenship. I mean, you know.

MS. PESTO: This is a multifamily building, as regulated by a Zoning Ordinance, so we're only concerned about the things that reflect zoning.

COMMISSIONER HALL: Right. It's almost as if they're concerned that the unwashed would be joining us, and that concerned me.

MS. PESTO: It's outside of our purview.

COMMISSIONER HALL: Good. All right. Thank you.

CHAIRMAN MURPHY: Mr. Hart.

COMMISSIONER HART: Thank you, Mr. Chairman. Ms. Pesto, I have a few general questions, and then I'd like to go to four somewhat analogous uses in the existing Ordinance. I reckon that some of these - I don't know if you've got the Zoning Ordinance in front of you, but -

MS. PESTO: I sure do.

COMMISSIONER HART: Maybe these are not all to be answered tonight -

MS. PESTO: Okay.

COMMISSIONER HART: - or maybe offline, but let me - let me start with the general questions. And first, let me - let me agree with Commissioner Lawrence about the flexibility on parking. And I wanted to maybe add a little of my own concerns about parking problems on other what are now SP uses in R-Districts where the resolution -- the conflicts between parking and the character of the neighborhood are very difficult. As I understand this proposed use, it's not going to be happening at the end of a court. Basically, it's - because it's got to be on a thoroughfare of something like that, so it can't be at the end of a court.

MS. PESTO: Correct. Right.

COMMISSIONER HART: Okay. We have problems now with - sometimes it's childcare; sometimes it's a home professional office; something where - where something is being put into a - an existing residential neighborhood that the driveway isn't going to handle the parking or the pickup and drop off. But then what? What do you do? What I'm - what I'm concerned about is - well, let me ask it this way: right now in many R-Districts we have a coverage percentage maximum for a front yard, absent a variance or something, and there's a minimum or maximum rear yard coverage in some districts of whatever it is. Would those types of caps on pavement or impervious surface that are already there for an R-District apply in the context of this use?

MS. PESTO: No. Actually, in this use, we would impose the setbacks for the underlying district. So that would be imposed in all cases. For the Rs it's a 25-foot rear and then the front varies based on whatever the district is, and the sides vary. So there would be an imposition of setbacks. With regard to the parking, this is a multifamily building, so it's really a parking lot, as opposed to, you know, a few parking spaces here or there. There will be a site plan required for this. There's stormwater management. There's landscaping. There's all kinds of things, just like any

other multifamily building. So all of those things will be looked at, at that point. There isn't per se a - a coverage requirement that would be imposed because the setbacks are imposed. So you would have a driveway leading to a parking lot essentially.

COMMISSIONER HART: So the backyard or the front yard could be a parking lot, assuming the Board were inclined to approve it.

MS. PESTO: Correct.

COMMISSIONER HART: Okay. I - I'm concerned a little bit that these might be over-parked and that, depending on where they are, a parking lot front yard, right off the bat, might be inconsistent with the rest of an R-District and what's around it. The second question about the option to maybe not have houses be converted or maybe have houses be converted. Is part of staff's rationale for leaving houses in as a possibility that - that if - if the house is removed, what goes in instead might be worse?

MS. PESTO: Well, it could, you know, just look like a multifamily building. I mean if there were some benefit -

COMMISSIONER HART: - like an apartment building?

MS. PESTO: Right. If there were some benefit to having something that had the appearance of a house from the front, you know, that that was the reason, you know, that there wasn't anything -

COMMISSIONER HART: Would it otherwise be subject to height limits and bulk regulations or something?

MS. PESTO: Definitely. It's still limited by the bulk regulations of the district that you're in. So in residential districts, you know, it's basically 35 feet in height and, you know, the setbacks vary by district.

COMMISSIONER HART: Let me ask about the R-E District in particular. This may not be a question for -- that can be answered on the spot, but I saw that R-C was out and I think I understand that, and I know we have other uses that R-C is out. We have some that it's in. To me some of the drawbacks about R-C are shared in R-E largely. And what I wondered was if we're also saying it has to be on sewer water and it's probably got to be near something you could walk to, there probably aren't too many places, if any -- are there places in the R-E District that are on sewer water that are within walking distance of something? Or is that just hopeless from the get-go?

MS. PESTO: Well, we haven't done a survey of the location of all of those districts. We started with the R-E District because we liken this use as most similar to independent living facilities. That is, the one that's for people who are over 62 or meet the handicap definition in Fair Housing. So because they're all individual units, you have to be your own -- you'll have a residential use permit for each of these individual units. Because of that we liken this mostly to that use and that's where that use is allowed. We are required to treat similar uses similarly and that is why we began in the R-E and went through the Ordinance and the residential districts.

COMMISSIONER HART: Well, my question is whether the R-E - if it's theoretically possible -- I mean, if it's -- I'm thinking kind of, you know, Great Falls or Mason Neck or something - I mean, is there anything that's on sewer that's within walking distance of anything or is that just not -

MS. PESTO: That I don't know. I don't know the answer to that. I know I've seen churches that have been applied for in R-E Districts. Whether or not they have public utilities, I could not tell you. So there are some uses out there that aren't, sort of, the large lot single family home, but I can't tell you in any more detail specifically about -

COMMISSIONER HART: Okay. That's for a later -

MS. PESTO: - what's there. We'll see what we can dig out.

COMMISSIONER HART: There's four uses I wanted to ask about and maybe there's some overlap and some differences, but there - it seemed to me that staff's assessment at this point is that we probably need to provide a type of housing for people that can't really afford market apartments now, that the current Ordinance for whatever reason or market forces are not generating that kind of unit, and that the existing Ordinance doesn't really facilitate where we think we need to go, and this is our topic to discuss. I wanted to talk about two SP uses and two SE uses that we have already that I don't think we - people are really applying for very much, but that may work or may not. But in no particular order, let me start with 8-701, and Group 7, Rooming Houses. As I understand that use - and I can't remember seeing an application for that. There may be some, but it's an SP use in R-E and R-1 through R-4, and C-1 through C-4. So it's a few of these districts. It's kind of the low R-Districts or the low intensity C-Districts. It has to be on a major thoroughfare, or a service drive, or on a lot in a CBC. And that's a little different from what we've talked about for this. It seems like it's instead of between 3 and 75, it's between 5 and 12 persons with sleeping accommodations. Doesn't really say anything about kitchens;

doesn't say anything about water or sewer. But I guess it could be in a house, but it has to be a house built before January 1, 1949.

MS. PESTO: -nine, it's older structures. Right.

COMMISSIONER HART: And I don't know about - if that - if a year cutoff makes sense of not but there are some differences between that. What I - I guess I - I'm wondering is are there any Group 7 rooming houses in those R-Districts now? Let me start with that.

MS. PESTO: We don't know of any. I can tell you a little bit about the use itself. They would not have individual kitchens. They -

COMMISSIONER HART: No kitchens.

MS. PESTO: No. It would be a room, essentially, a room for rent, and they are limited strictly to older structures - to preserve or utilize older structures. There's very few uses in that category. But I don't know of any. We can have our LDS system run -- it will only run back to - I forget what year it goes back to, but it doesn't go all the way back to the beginning of time, but we can have a report run to see if there have been any applications since we implemented that system to see what's out there. But I know of none.

COMMISSIONER HART: Okay. The second one is under 8-301, Group 3, Group Housekeeping Unit. That's also an SP in R-E through R-8. I guess it could be in a house. And I don't know what that is exactly and I don't - I don't remember any applications for that. What is a group housekeeping unit?

MS. PESTO: That one is -

COMMISSIONER HART: Like a commune?

MS. PESTO: Not exactly. It is for -- right now, the limits on the occupancy in any dwelling unit - you can have four unrelated people live in any dwelling unit. If you want five, you can ask for a group housekeeping unit.

COMMISSIONER HART: That's all it is, to have, like, a fifth person that's not related.

MS. PESTO: It's to get you more. Right. It's to get you more. It's actually in - let me find - I think - does it say it goes up to ten people? That sounds right to me, that you can ask for a maximum number of people. But it's to get above the other occupancy limits that are in the - in the Ordinance. And it isn't frequently used -

COMMISSIONER HART: No?

MS. PESTO: - at all. No. Not at all. There have been some. I do - I have vague recollection of some, but not much. A lot of times people get in trouble for over-occupancy and they'll try to apply for a group residential -- or a Group Housekeeping Special Permit. So we have seen applications. Whether or not they ever got approved, we can try to run a report for that as well and get you that information.

COMMISSIONER HART: Okay. Two more. Under 9-301, Subsection 14. It's a Special Exception for dormitories or rooming/boarding houses for students, faculty members, or persons otherwise affiliated with an institution of higher learning. And that's, like, everywhere - P-Districts, R-C through R-30, all the C-Districts, and some of the I-Districts. I don't know if we have any of these rooming/boarding houses for -- I guess these could be, like, NoVA or GMU faculty or janitors or something.

MS. PESTO: Right. It's offsite housing. It's not on land owned by the - the university, but it's for the purpose of - of students only. I don't know that we've seen any that came in under the rooming/boarding house kind of category, but I have seen a fraternity one. So I know that that - - do you know of any others? Have we used any others?

COMMISSIONER HART: Did we approve it?

MS. PESTO: That I can't tell you, I just knew there was one for something else I was looking at.

COMMISSIONER HART: Okay.

MS. PESTO: So I can look for those as well. We can pull those out. Nothing ever came in under the rooming/boarding house. That's odd in that category, but...

COMMISSIONER HART: And I think some of these that are SEs or something, if the Board is never going to approve it -- no one's ever going to apply for it -- maybe that's part of what's happening. The other one under that - 9-301 is Subsection 5, Congregate Living Facilities. That's also again in - just about everywhere; P-Districts, R-Districts, C-Districts, I-Districts. I don't know what that is.

MS. PESTO: Congregate has a care requirement. Congregate living is defined as a facility that provides housing and general care on a permanent or temporary basis with the provision of the support services such as special care treatment or training in a supervised setting with onsite counselors or other staff. So it is -

COMMISSIONER HART: It's not for a college graduate that can't afford an apartment.

MS. PESTO: Oh, no, no, no, no, no. This is - this is more - this has a definite care focus. There has to be some sort of additional service provided onsite. It can also be temporary and they also do not have kitchens - individual kitchens. This is a central kitchen and separate rooms.

COMMISSIONER HART: For the four uses I asked about, I don't see a link between water and sewer and any of those uses. Is there a reason why this use is on water and sewer and those don't have to be?

MS. PESTO: Mostly because it's always multifamily. There's no opportunity to have this built to the Building Code standards for a single family unit or a townhouse unit.

COMMISSIONER HART: All right.

MS. PESTO: It's a multifamily construction with as many as 75 units. And we thought the intensity of that and the opportunity for that intensity warranted something other than an individual drain field and well. And that - that was the - the logic.

COMMISSIONER HART: If you had a big dormitory or a big rooming/boarding house for the GMU students or NoVA or whatever, I don't see a cap on the size of it or the number of rooms.

MS. PESTO: No.

COMMISSIONER HART: Would that -

MS. PESTO: It would be FAR regulated, but that would be it.

COMMISSIONER HART: But could that be on well and septic? If it doesn't say it has to be on water and sewer, it -

MS. PESTO: That's a good question. I mean, those, you know, onsite stuff is approved by the state so we would have to - we'd have to check with them to find out what the - what the opportunity is. I mean, there's all kinds of alternate systems. I don't know that it's going to be your run of the mill drain field and well that you would have for your home - say, a single individual home, but then -

COMMISSIONER HART: Well, maybe the Health Department would just never approve it because there's too many toilets or something.

MS. PESTO: Well, it could be and it's probably wicked expensive to do something like that if you had to do something more elaborate, but I can definitely find out from the Health Department what the requirements are, if there's a cutoff in terms of size or people or bathrooms, or however they do that kind of evaluation. We can find that out.

COMMISSIONER HART: Thank you.

CHAIRMAN MURPHY: Alright. Before we continue around the horseshoe, if anyone is interested in filling out a card with some questions and would like to submit them tonight to our clerk, sitting on my far right, they won't be answered tonight, I don't think, but at least you get an opportunity to submit the questions. Is that correct?

COMMISSIONER SARGEANT: That's correct, Mr. Chairman.

CHAIRMAN MURPHY: And I think there are white cards.

MS. PESTO: Green. They're green.

CHAIRMAN MURPHY: Green. All right. We're doing things green, I guess, on that elevated table back there, is that where they are?

MS. PESTO: Yes, right here, there's green cards and pens.

CHAIRMAN MURPHY: Okay, come on down any time, fill out your questions, please. Do not write like I write if you want them answered. And submit them to our clerk sitting on my far right, your far left, okay.

MS. PESTO: And if you prefer a keyboard, you can send it in to the address. If we put that back on the screen, if people just want to take the address, you can send it in to plancom if you'd rather type it than write it.

CHAIRMAN MURPHY: www - there's the Government Center.

MS. PESTO: Plancom.

CHAIRMAN MURPHY: www.plancom@fairfaxcounty.gov. Not decision only.

MS. PESTO: Thank you.

CHAIRMAN MURPHY: Mr. Migliaccio. We'll go over Mr. Sargeant and come back to him.

COMMISSIONER MIGLIACCIO: Okay, thank you, Mr. Chairman. Just, during your outreach crafting this Ordinance, can you briefly describe your outreach, I guess. Did you reach out to the business community, the employers that would be possibly having their living in these places?

MS. PESTO: Over the course of this, because there was a lot of groups that sort of started with different ideas, different groups met with different people. I've been to most of the meetings over - over all of the - the ten years that we've been working on this. So the outreach -- a lot of times it was in the formulation of the studies and - and things that were presented to the Board. In terms of our outreach, we - we do recognize that there was - there were some things that didn't happen the way we wanted them to happen and we are using more elaborate methods to get word out to people. We have - I have met with the ESI Group over time, NVBIA over time, some of

those groups. There have been a lot of them, but I don't have a list for you and I'm not sure that I can develop a list over ten years for -

COMMISSIONER MIGLIACCIO: Sure. Since this process will be moving forward I hope that we include them and have them chime in at some point, because -

MS. PESTO: Right. Absolutely.

COMMISSIONER MIGLIACCIO: Looking and seeing all of the questions being submitted from the citizens and what I'm hearing in my own district from my own land use committee, it seems that this Ordinance has been driven by the housing advocates, which is fine. They have their goal and it serves the community well, but when you go on the housing website their first goal is to end homelessness in ten years; second goal is to provide affordable housing options to those with special needs; third goal is to reduce waiting lists for affordable housing by half in ten years; and then to produce workforce housing sufficient to accommodate projected job growth. So the community sees number one and they - then they see that we have it on collector streets. And those collector streets go through their neighborhoods, their stable single family neighborhoods, and there is a major issue with that. And I think that as we go through the process, I'd like to see maybe there's a map out there that we can look at that captures all of the collector streets, all the major thoroughfares so we can see if we're being -- the sky is falling or if we're being truthful - just so we're all on the same page, looking forward.

MS. PESTO: Okay, we'll get those.

COMMISSIONER MIGLIACCIO: And then because of the homelessness and the other issues that have come up in the collector streets and because of the illegal boarding houses that have been occurring throughout South County and my district, there are many citizens that instinctively say no I don't want any multifamily housing because they're worried about it. Can you explain the process that - say there's a ten-unit multifamily unit building. Can you explain the eviction process - how they would go through that? Because right now they sit and wait for quite a while to get these illegal boarding houses cleaned up. And I don't want to mix those with these in the minds of the citizens. I know I'm talking about it, but I want to make certain that we delineate there's a process that would be in place either through the management system or somehow. So can you just briefly -

MS. PESTO: In terms of this use, the - like every multifamily project, the manager of the project is responsible for all the compliance. In this particular case, this will not only have whatever goes

with regular tenant/landlord type stuff, this has a Special Exception for the use and every -
recourse to - to rescind Special Exception approval. That is the ultimate recourse.

COMMISSIONER MIGLIACCIO: My fear - I agree with that, but my fear is you have a
building with, say, 20, and you have three units that are doing this. Do you rescind it on all 20 or
do you just do those 3 units? Do we have the - I mean, that's a question that we can ask the
County Attorney's Office. Do we have the ability to do all 20? Or just three?

MS. PESTO: Well, I think in terms of over-occupancy is that basically the concern would be too
many people living there -

COMMISSIONER MIGLIACCIO: So essentially yes, and then everything that would come with
that.

MS. PESTO: The process essentially is that the - the Code Compliance folks will go out there,
cite the owner of the property for having a violation on the property and give them x days to
clear it up and, assuming that it's cleared up, the violation's closed. If it is not cleared up, the
case does get sent over to the County Attorney's Office for further action beyond that. So we can
enforce on the individual units. It does - because the unit is part of a larger Special Exception - I
mean, it does sort of cast a light on the entire Special Exception. If it's a continued problem of
over-occupancy and failure to comply with the standards and conditions, there can be additional
actions that are taken. So there's actually a little bit more push that we can have. In a single
family home you don't have that opportunity to say, you know -

COMMISSIONER MIGLIACCIO: Sure. And I'm just trying to get -

MS. PESTO: - we're taking away your right to have a home. So it - we have a little bit extra with
this, but in general the process would be the same. And if we can't get compliance we do have
the additional opportunity to rescind their Special Exception.

COMMISSIONER MIGLIACCIO: Okay, because the process as we go through it now takes a
long time.

MS. PESTO: It does.

COMMISSIONER MIGLIACCIO: And the citizens who bought their single family home now
have a building relatively close and are going to live with a problem that could take a year to
clear up.

MS. PESTO: Well -

COMMISSIONER MIGLIACCIO: So that's - that's what I'm hoping that we find a way that we can either get it off collector streets and just onto the major thoroughfares as we initially go through this process, so we don't have these issues moving forward, and then maybe expand this use if we decide to do so. If it's working out we can always expand it, it's tougher to take back. So... And then, I guess with new construction, if we keep it on collector streets we can't -- and we take out the conversion of single family homes and say they can't do that, but we still have collector streets as an option, would somebody be able to come in, take down - not a blighted - but say if someone willed something to a nonprofit - a home - would they be able to tear that down and then build and then that would be considered new construction?

MS. PESTO: That would be new construction.

COMMISSIONER MIGLIACCIO: Okay, thank you. Thank you, Mr. Chairman.

CHAIRMAN MURPHY: Ms. Hurley.

COMMISSIONER HURLEY: Thank you, Mr. Chairman. The -- first of all, the efficiency apartments that -- do we currently allow them in the County in - wherever we have multifamily dwellings now?

MS. PESTO: Where multifamily are permitted, there are -- we are allowed to have -- they are allowed to have efficiency units.

COMMISSIONER HURLEY: In what zoning categories are those?

MS. PESTO: Well, in - in just straight multifamily housing. That starts at R-12, I think, and it goes up from there. But then there's the specialty housing like independent living and others, and that can be in the lower R-Districts, and that can be multifamily as well.

COMMISSIONER HURLEY: And this will add the industrial areas?

MS. PESTO: And this will add the commercial and industrial areas. Correct. Independent living can go in the office districts; C-1 through -4.

COMMISSIONER HURLEY: Okay, then you have the limits of 80 percent has to be below the 60 percent.

MS. PESTO: Right.

COMMISSIONER HURLEY: Beginning teachers -- a first-year teacher would probably qualify, if I remember the salary schedule, by the time they're a second-year teacher they'll be over the \$45,000. So are we going to be kicking --- Okay, you've got a 20 percent ceiling still, but if these young teachers in their first five years are saving up for travel, education, getting married, new

cars, whatever, are we going to run into limits of -- by limiting to 20 percent those teachers who have gone over the \$45,000 -- and whoever --- are we going to run into problems where we're going to be kicking out too many people who want efficiencies? Or if we already have efficiencies you don't think there's that much of a desire for them?

MS. PESTO: There are efficiencies out there in the market today. And the analysis that we did - again, just pulling things off of rent.com, the available information that we had - the market rate rents right now for efficiencies were running, like, 87-88 percent of AMI. And a lot of them were much larger units. Our hope is that the 60-percent units will serve that population for as long as they can. If somebody's income becomes above that, they can re-designate that very same unit. They don't have to move, you know, across the hallway. They can designate that same unit as their market rate unit. But because these units are going to be smaller we do hope that the market rate in these buildings is going to be less than the market rate we see in other buildings because they will be smaller and they will be more subject to more limits. So we hope that in - in that next range up from the 60 to maybe in the 70/75 range, you know, that's where they're moving as they go upwardly mobile. And then at the time they get into the 80 percent AMI range, they have options; they have options to go into other buildings. And in many cases they'll want to because we don't expect these to be amenity rich in terms of, you know, a health club and, you know, other things that you find in some of the more elaborate multifamily that's been constructed to date.

COMMISSIONER HURLEY: You mentioned students on just one slide; something about no employee or students with home occupations or something. I'm Braddock District. We have both George Mason University and Northern Virginia Community College. We have lots of students. So do you anticipate - you mentioned frat houses a few minutes ago - do you anticipate these being used by students? It sounds a lot more pleasant than a lot of the dormitories I've seen - not at George Mason - I'm talking other dormitories out of state.

MS. PESTO: It could be used by students if they meet the income test. A lot of kids are still on their parents' tab. And so if they don't have -- if they don't file their income taxes and have their own - their own income, they're probably still on their on their parents' and they probably wouldn't qualify. So it isn't meant to be student housing from that respect, but if you're a student, you have a job, you make some money, you go to school, and you meet the 60 percent test on your own, then you would qualify to live here.

COMMISSIONER HURLEY: But it could be -- it could become a fraternity house is what I'm trying to lead to.

MS. PESTO: I guess the -- the answer might be we have a use that is a frat house. And if we find that this has become something other than what it was approved for, then we - we would have to pursue that, if that's what it truly became; a real frat house associated with the university. I mean, I know what you're saying. It could function in the same way, with parties and kids, and you know, whatever else goes on. I understand what you're saying, but that - that is not the intent that it provides an alternative to student housing only.

COMMISSIONER HURLEY: Is there some way to be exclusionary, to use that bad word, to full-time students, or whatever, that this would not be allowed for student housing?

MS. PESTO: We'll have to look at that. I don't think - I'm not sure that we can limit it in that way. Again, I think you can target market, but you can't exclude. So we'll have to look at - at how that can work with a student population.

COMMISSIONER HURLEY: Fourth, the - one of my fellow commissioners mentioned the parks nearby. Some of these - some of the residents that are very low income will quite possibly bring a small child or two and, is there any sort of requirement along with the parks for any sort of tot lots or whatever. How would market this? How would you accommodate families with children?

MS. PESTO: The Ordinance -- because of the building type requirements, you're allowed to have up to three people living in these, so if a parent and two children live there, that meets the Building Code requirement. There isn't a specific requirement to have onsite facilities for children. If the applicant is proposing that the units would be made available to families, you know, or a parent with children, then that might be something that we could look at. We don't have a separate specific requirement for that.

COMMISSIONER HURLEY: And my last question: How do churches fit into this requirement, with all the zoning and all that sort of thing? Part of the basic mission of many churches is to feed the hungry and house the homeless. Could churches build facilities or whatever on their lot in the middle of R-1, you know, low residential areas?

MS. PESTO: We are hopeful. You know, a lot of churches have a lot of land and that is an opportunity. And we have, you know, participated with groups of people who are representatives of - of various churches, and that is part of their mission, to provide for housing. So - so we are

hopeful. And the idea behind the density consideration where it doesn't count against you is essentially they get to have whatever church FAR they would, you know, have based on their district and they could build some of these. So that - that is the hope, that these might be affiliated with some - some of the places of worship in the County.

COMMISSIONER HURLEY: Thank. That's all, Mr. Chairman.

CHAIRMAN MURPHY: Before I return to Mr. Sargeant, I just have one question, and it's more of a format question than a content question. Just for the record, I presume that this has not yet been advertised for public hearing.

MS. PESTO: Well, it's been kind of a weird path. We did go to the Board with this Amendment and they - they did advertise the Amendment with an ad. We had an ad for them, but they specifically directed the Planning Commission to expand the review of this. So it is very likely that we'll be developing a new ad for the newspaper. We shouldn't have to go back to the Board for a reauthorization unless we do something, you know, that's wholesale different from - from what we are doing today.

CHAIRMAN MURPHY: Well, we are known for that. All I'm suggesting is that if there has to be some language crafted for a new advertisement, built into that advertisement is the flexibility to allow the Commission to do what it should be doing if they need to do it.

MS. PESTO: Yes. We can definitely do that.

CHAIRMAN MURPHY: Because so many times we get a Zoning Ordinance, we have the public hearing and we spend a great deal of our time telling the citizens we can't do this because it is not within the scope of the advertisement. And I know -

MS. PESTO: We will not be bound by that because we'll be writing a new ad.

CHAIRMAN MURPHY: Okay. All right. Mr. Sargeant.

COMMISSIONER SARGEANT: Thank you, Mr. Chairman.

CHAIRMAN MURPHY: Then we'll go back again if there are any other questions, okay.

COMMISSIONER SARGEANT: Mr. Chairman, I just noted that we did not hear a thunderous rush down to the green cards, so I'm assuming our participants here in attendance tonight are comfortable with submitting these questions, and as - we'll put the address up for submitting them again at the end, so everybody here and at home can see where you can indeed submit questions. And I'd like to say thank you to those who have submitted some very detailed and thoughtful questions. It's been very helpful. And I know Donna has outpaced me in many-

meeting attendance, but those I have attended have provided and yielded some very thoughtful questions for us to consider along the way. One comment to Commissioner Migliaccio's issue about reaching out to commercial developers, we will indeed do that. That's a very valid point. We look to see the viability of this as a commercial product. And I would note that while the description labels it as quasi-public, this is intended as a use that would be funded or invested in by a nonprofit or perhaps private investment source. So this is not a government-run program.

COMMISSIONER MIGLIACCIO: Mr. Sargeant, just on that point: Not just the developers, because that's one section - but the employers, the larger employers that will be providing jobs to the people that would hopefully be living in these RSUs, so that -

COMMISSIONER SARGEANT: Very good point.

COMMISSIONER MIGLIACCIO: - that - in addition to the developers.

COMMISSIONER SARGEANT: Absolutely we'll - we'll make sure. And that's one of the advantages we'll have through the committee process of making sure we do that outreach. A couple of - couple of final questions from me. And one is the - the product viability. I know we're going to touch upon this as we move through the committee process, but from the -- let's start with the nonprofit perspective. We have seen some viable examples, at least in other cities, of this product -- I'm calling it a product for now - that's been invested in for specific uses.

Donna, could you cite just a couple?

MS. PESTO: Yes, we looked all over the country to find somebody who's doing what we wanted to do so we could just copy their stuff, but nobody is. We found a lot of things that are segments of what we're doing and for the most part what we found was the SRO Model. The jurisdictions we looked at in Virginia, the southern Virginia jurisdictions; there's some in Richmond, Charlottesville, and in the tidewater area; there's a developer down there - a nonprofit developer - that's done probably a dozen by now developments in that area and they're all serving a homeless population. They have some that are family units and some that are, you know, intended for individuals. A lot of those have care requirements and other things. Some of them don't have kitchens, they have communal facilities. So while their buildings are the kind of building that we're, you know, we're interested in, they've done a lot. They've done conversion of an old bottling works, an old hotel, they converted a house, and they have some new construction. They have a brand new building in the City of Charlottesville that's just phenomenal. So we do like their buildings and the programs that they run would be eligible

under our program, but that really was just a segment of the population that we wanted to serve. We looked across the country too to see what we could find. You know, the major cities, the micro-unit has become the popular buzz word and the Mayor of New York ran a competition for some land that they had to get some micro-units. And their level of affordability is vastly different from our level of affordability, but it's still affordable for New York. So, you know, a couple thousand dollars a month for 350 square feet, and that's a good deal. So - so there are other things going on. We were very concerned about what these units are. Are these units things that people want to live in? Five hundred seems small to a lot of people. Three hundred's even smaller. And then I started reading articles about 87 square feet and 120 square feet in areas like Seattle and San Francisco. And I had some back-and-forth email with one of the planners in Seattle, trying to figure out how in the world is 87 square feet ever a unit. And in fact it's not. They have -- they call them micro-units, but it's a rented bedroom with a microwave and a dorm fridge and they have a kitchen in the building as well. And basically any house within these areas can convert to eight of those kinds of units in a house, and there's a parking requirement of one space per house. So that was not something we wanted to emulate here. That would be wholly inappropriate for our area.

COMMISSIONER SARGEANT: Let me - let me go back to the first examples you've cited of the program based units you looked at in, I think, even within the Commonwealth here. Program based implied that they had program and service support within the unit, within the building.

MS. PESTO: They do. They have - they do. They have - some of them are very, you know, heavy service-oriented. They have some special populations that they serve that have any number of physical or other, you know, handicaps or disabilities. And they serve special populations in some of their developments. And in others, it's simply a population that's come out of homelessness.

COMMISSIONER SARGEANT: Okay. On the commercial side of this the -- have we really explored -- and to Commissioner Migliaccio's point, have we really explored the commercial viability of this as a rental product?

MS. PESTO: Well, and that's why we were looking at the, you know, sort of, the rest of the country and this whole micro-unit craze. There is definitely an attraction for these smaller units, particularly in urban - in more urban areas where things are so incredibly expensive anyway. So we did look at all of that and there's definitely more of - of them being built. We have statistics

for the County. They were from 2011, I think, and it showed that there were 67,000 rental units in the County and only 2 percent were efficiencies. So, you know, this is a product that's not readily available. And that's the goal of this, is by making these all efficiencies and by making them inexpensive and small, the natural affordability that will come with that, we think, will - will serve a market niche and hopefully will encourage more construction of this when people see the benefit of it.

COMMISSIONER SARGEANT: Briefly want to touch on - on the collector streets issue again. And this is where, I think, the committee process will help us in the long run, because we have more time to delve into this. But we've heard concerns from residents who have existing residential - long standing residential community (*needs?*) along collector streets and thus are very worried about that requirement. Do we have some flexibility - and I'm not asking you say yes or no, it's too early - but do we have some flexibility to examine that aspect of this - of this Amendment?

MS. PESTO: We have that flexibility to consider a lot aspects of this Amendment. That may - that may change -- sometimes if you change one thing you have to change other things. So we may be in a position of doing that, which is definitely - I mean, we can consider whatever we need to.

COMMISSIONER SARGEANT: And I think Commissioner Hart's examples that he cited raised some questions too in terms of what we have on the books that are existing and what we - what we see this is evolving into. So obviously we've got some homework to do and some discussions to do to make sure what we have is viable not only commercially from a nonprofit perspective, from a legal perspective, from a - very much from a community perspective to make sure people are - are comfortable and confident in how we move forward with this. With that, Mr. Chairman, I think, I hear no further questions, unless my fellow colleagues have something.

CHAIRMAN MURPHY: Anybody else? Mr. Lawrence.

COMMISSIONER LAWRENCE: Thank you, Mr. Chairman. Just briefly, I - in the area of flexibility, I really think I'd like to appeal for more of that in other places. In the staff paper, I saw two pieces of reasoning for the 75-unit maximum. One was that it was an efficient model for the delivery of services to those rental populations that need services. But of course we know that they won't all need services, so that may not apply. The other was that, well that was a number that would allow the developer to - to offset or mitigate the strict rules on how much you

could rent the things for. And that made sense from Commissioner Migliaccio's point of view that, you know, in the end this is not being done out of altruism. Somebody's going to build the thing and it's going to cost money to build it. So I think flexibility is the order of the day. I think also that it would be a really good idea if we would build in some sort of review after so much experience with this thing, because this is new ground that we're - that we're plowing here. This is a gap that's not now filled by anything. It isn't being done anywhere, as you pointed out, in its entirety, so let's - let's put down that we take a look at it after, fill-in-the-blank months or years - probably years - of experience with it. Thank you, Mr. Chairman.

CHAIRMAN MURPHY: Yes, just a footnote: I agree with that. And if I may say so, we have become self-proclaimed experts in new ground lately, so we've been - we've been doing a lot of new ground stuff and it's been coming out pretty well. So I think we've got a good formula here. Mr. Migliaccio.

COMMISSIONER MIGLIACCIO: Thank you, Mr. Chairman. I just had one quick question regarding the marketing of these RSUs and our current waiting list for affordable housing in the County. I know that we have quite a - quite a list of people wanting affordable housing. And many of those are probably looking for one- or two-bedroom apartments. Would they get priority?

MS. PESTO: This isn't a product that the County is going to provide renters for.

COMMISSIONER MIGLIACCIO: Okay, so the County won't have any -

MS. PESTO: Right. It's probably in our best interest to steer them in that direction if there's units available that meet their need, but this isn't something that the County would be marketing at all.

COMMISSIONER MIGLIACCIO: Okay, thank you.

CHAIRMAN MURPHY: Anyone else? Okay, I want to thank - first I'd like to thank all of you for coming this evening. Our next workshop will be next Wednesday and I hope at that time we will constitute the RSO [sic] committee. I particularly want to thank Donna Pesto, who does an excellent job with this. She just has all the facts. Congratulations. Great presentation. And also - also recognize Michele O'Hare for doing a great job too. For those of you -- I received a bulletin at about quarter of eight on Route 66. I have not received anything since then, so I don't know whether it's cleared or not. But if any of you are traveling on Route 66 westbound, past Route 29, there was an accident there and the three left lanes were blocked. So turn your radio on. It

might be cleared now. I have not received an all-clear bulletin, but that was the situation about 8:00. Mr. Sargeant.

COMMISSIONER SARGEANT: Mr. Chairman, could we just put the web address -

CHAIRMAN MURPHY: - website up.

COMMISSIONER SARGEANT: - and the email address up there again so everybody can see it.

MS. PESTO: Can you put the PowerPoint on?

COMMISSIONER SARGEANT: - on PowerPoint.

CHAIRMAN MURPHY: Okay, if there is no other business before the Planning Commission, we are adjourned as of 9:55. Thank you very much.

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The meeting was adjourned at 9:55 p.m.

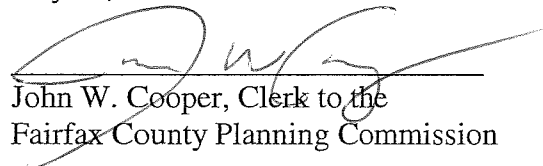
Peter F. Murphy, Chairman

Janet R. Hall, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jeanette Nord

Approved on: July 17, 2014


John W. Cooper, Clerk to the
Fairfax County Planning Commission